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## San Carlos Apache Telecommunications Utility, Inc.

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October 21, 2011

**VIA ELECTRONIC FILING:**

**EX PARTE**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: WC Docket Nos. 10-90, 07-135, 05-337, and 03-109; GN Docket No. 09-51; CC Docket No. 01-92 and 96-45

Dear Ms. Dortch:

San Carlos Apache Telecommunications Utility, Inc. (SCATUI) sent the attached email message and Native Nation Telecom Policy to FCC Chairman Julius Genachowski, Commissioner Michael Copps, Commissioner Robert McDowell, Commissioner Mignon Clyburn, and FCC staff Geoffrey Blackwell and Edward Lazurus.

Please contact me if you have any questions.

Sincerely,

Shirley Ortiz  
General Manager

## Shirley Ortiz

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**From:** Shirley Ortiz  
**Sent:** Friday, October 21, 2011 1:40 PM  
**To:** julius.genachowski@fcc.gov; 'Michael.Copps@fcc.gov'; 'Robert.McDowell@fcc.gov'; 'Mignon.Clyburn@fcc.gov'  
**Cc:** 'Geoffrey.Blackwell@fcc.gov'; 'Edward.Lazarus@fcc.gov'  
**Subject:** Native Nations USF Reform Request  
**Attachments:** NTTA FCC Native Nations Policy Ask.doc  
  
**Importance:** High

Dear Mr. Chairman and Commissioners:

Next week the Commissioners are poised to adopt important reforms to the universal service fund and inter-carrier compensation mechanism that will profoundly affect how telecommunications and broadband will be deployed in rural America for years to come. Native Nation communities are among the poorest and worst-connected communities in the United States and it is important that reform measures not diminish the support needed by these communities, but help provide Native Nations broadband and telecommunications parity with the rest of America, while supporting Tribal sovereignty. To that end, San Carlos Apache Telecommunications Utility, Inc. (SCATUI), incorporated by the San Carlos Apache Tribe in Arizona, supports the Native Nation Telecom Policy (Policy) as advocated by the National Tribal Telecommunications Association (NTTA) and urges that reform measures adopted by the Commissioners include provisions as outlined in the Policy. (A copy of the Policy is attached.) The Federal government and the Federal Communications Commission have a unique relationship and responsibility to sovereign Native Nations. Including this Policy in universal service reform will help Native American low-income customers acquire broadband service, provide Native Nations parity with respect to broadband services, and preserve and enhance Tribal sovereignty. Your consideration is greatly appreciated.

Sincerely,

Shirley Ortiz

**Native Nation Telecom Policy as Advocated by the National Tribal Telecommunications Association, the National Congress of American Indians, and the Affiliated Tribes of Northwest Indians**

*The FCC Should:*

- A. Support Tribal Sovereignty:** The FCC has the authority to treat Tribes differently, and as a matter of Trust Responsibility to Native Nations, should:
1. Include Tribes on all FCC policy decisions that affect Native communities
  2. Where (price cap) carriers recede from tribal service areas in right of refusal decisions, give Tribes the first option to serve themselves;
  3. Give Tribes the choice of which ETC shall connect the Native community—the Tribe conducts a quality of service and connectivity auction, like E-rate dispersals;
  4. Support the decision of all Native Nations to serve themselves—the other option of Tribal choice;
    - a. By designating the entire Native community as a single service area;
    - b. By waiving regulatory rules (parent trap); extra filings; and 2-year delay for reimbursements that impede service startup;
    - c. By providing all technical assistance and regulatory funding to support regulatory broadband service within the Tribe;
  5. Require all non-Native ETCs to attain permission from Tribes to serve Native communities;
  6. Require all regulatory providers and vendors to engage in commercial consultation with Native Nations on quality of service to the community;
  7. Delegate public interest obligation monitoring on Tribal lands to Tribes;
- B. Support a Tribal-Carve Out:** to ensure Native sovereignty the FCC must:
1. Protect the sustainability of all current Tribal regulatory services with a hold-harmless support level set at 2011 funding levels, with a floor on USF and ICC funding levels and exemption from high cost cap and ICC changes—impact will be less than \$5 million annually under ABC plan;
  2. Promote the sustainability of future Tribal regulatory broadband services with a safety-net mechanism to offset all regulatory costs that exceed regulatory revenues under the Connect America Fund mandates, with full cost recovery for broadband infrastructure investments—impact on CAF will be limited for service to 200,000-400,000 Native households;
  3. Support for a Tribal Broadband and Linkup program;
  4. Exempt Tribes from reverse auctions, focusing on need, parity of technology, and quality of service needed on Native lands;
  5. Waive Tariff #5 Section 8.4 and 8.5 rates for NECA Incumbent rate of return local exchange carriers providing broadband service in native communities so that they are not required to remit or credit the wholesale rate for broadband service and still receive the full settlement of required revenues from NECA, so savings can be used to reduce broadband costs for Native communities;

**C. Support a Native Broadband Fund:** NTTA proposes a Native Broadband Fund to support the underlying Public Switched, Public Safety, Mass Media, and Broadband Mobility Networks; connect public institutions; map Native communities; and provide feasibility and startup assistance to Tribes seeking to implement regulatory service.